THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.29282 OF 1998

DATED: 03-10-2007

Between:

P. Murali Krishna

.. Petitioner

and

The University of Hyderabad, rep. by its Registrar, University of Hyderabad, University Campus, Gachibowli, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.29282 OF 1998

ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the order No.UH/RG/C/97/28, dated 22.12.1997, passed by the 2nd respondent - primary authority, which was confirmed by the order No.UH/RG/C/98/38, dated 13.05.1998, of the 1st respondent - appellate authority, and quash the same as arbitrary and illegal.

It appears, under the impugned order, dated 22.12.1997, of the 2nd respondent - disciplinary authority, the petitioner, who was working as Officer on Special Duty (Distance Education) with the University of Hyderabad, was imposed with a minor punishment of stoppage of two increments without cumulative effect. Aggrieved by the same, he filed an appeal before the 1st respondent - appellate authority. However, the appellate authority refused to interfere with the order passed by the disciplinary authority and rejected the appeal, by an order dated 13.05.1998. Aggrieved by the same, the present writ petition is filed.

The sum and substance of the four charges levelled against the petitioner is as to dereliction of duties, which led to the misappropriation of scholarship funds by his subordinates. Insofar as the first charge is concerned, the enquiry officer found the petitioner not guilty, but insofar as the charges 2,3 and 4 are concerned i.e. for not bestowing sufficient care and attention in discharging his duties, the petitioner was found guilty. On the basis of the findings recorded by the enquiry officer, the disciplinary authority imposed a punishment of

stoppage of two increments without cumulative effect and the same was confirmed by the appellate authority.

Learned counsel for the petitioner strenuously contended that the charges are trivial in nature and, assuming that such charges are proved, imposing the punishment of stoppage of two increments is unwarranted. Further, he contended that the enquiry officer, without enquiring into the matter properly, wrongly held that the petitioner has not bestowed sufficient care and attention in discharging his duties.

While admitting the writ petition on 23.10.1998, this Court, by order in W.P.M.P.No.35810 of 1998, granted interim suspension of the impugned order.

However, the learned counsel for the respondents states that the petitioner, during the pendency of the writ petition, retired from service in the year 2003, on attaining the age of superannuation and the impugned order was never given effect to. He further states that in view of the interim suspension granted by this Court on 23.10.1998, pensionery benefits of the petitioner were released without reference to the punishment imposed.

Under these circumstances and in view of the interim order, I am of the opinion that no further orders need be passed in this writ petition.

The writ petition is, accordingly, closed. No order as to costs.

C.V. RAMULU, J

3rd October, 2007.

IBL